

Notice of Allowability

Application No.

10/728,451

Examiner

N. Drew Richards

Applicant(s)

SCHEUERLEIN ET AL.

Art Unit

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 5/10/07.
2. ☒ The allowed claim(s) is/are 6-15,27,33-43,55,59-69,73,83-93.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/2/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


N. DREW RICHARDS
PRIMARY EXAMINER

DETAILED ACTION

Information Disclosure Statement

1. Please note that this Office Action includes a second copy of the IDS submitted 3/8/2004. In the "US PATENT DOCUMENTS" section references A1 (10/335078) and A2 (10/611246) have been crossed through by the Examiner. The examiner has crossed through the citations of the application numbers in favor of citations for the PGPub documents. Attached to this Office Action is a PTO-892 that cites the PGPub documents of the previously cited applications (citations A1 and A2 off of the IDS). Thus, the information contained in the documents has still be considered by the examiner but the PGPub will instead appear on the front of any patent issuing from the instant application.

Allowable Subject Matter

2. Claims 6-15, 27, 33-43, 55, 59-69, 73 and 83-93 are allowed.

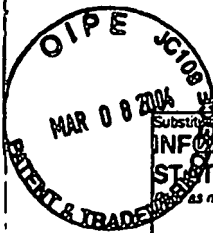
Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Drew Richards whose telephone number is (571) 272-1736. The examiner can normally be reached on Monday-Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2815

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


N. DREW RICHARDS
PRIMARY EXAMINER



Substitution for form 1449A/PTO
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(as many sheets as necessary)

Complete if Known	
Application Number	10/728451
Filing Date	December 5, 2003
First Named Inventor	Scheuerlein, Roy
Group Art Unit	Unknown 2815
Examiner Name	Unknown Richards
Attorney Docket No: MA-112	

Sheet 1 of 1

US PATENT DOCUMENTS							
Examiner Initial *	Cite No	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date if Appropriate
WON	A1	70/035078		Scheuerlein et al.			12/31/2002
WON	A2	10/011246		Cleaves			06/30/2003
WON	A3	5835396	11/10/1998	Zhang			
WON	A4	6034882	03/07/2000	Johnson et al.			
WON	A5	6185121	02/06/2001	O'Neill			
WON	A6	US20020079553A1	06/27/2002	Cleaves			

FOREIGN PATENT DOCUMENTS							
Examiner Initials *	Cite No	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ²

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS					T ¹
Examiner Initials *	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
WON	A7	SCHEUERLEIN, ROY.E., et al., "A 10ns Read and Write Non-Volatile Memory Array Using a Magnetic Tunnel Junction and FET Switch in each Cell", 2000 IEEE International Solid-State Circuits Conference: ISSCC 2000, Feb 8, 2000: Emerging Memory and Device Technologies/Paper TA 7.2, (2/8/2000),128-129			

EXAMINER

DATE CONSIDERED

9/22/05

Notice of References Cited

Application/Control No.

10/728,451

Applicant(s)/Patent Under
Reexamination
SCHEUERLEIN ET AL.

Examiner

N. Drew Richards

Art Unit

2815

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0125629	07-2004	Scheuerlein et al.	365/017
*	B	US-2004/0266206	12-2004	Cleeves, James M.	438/719
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

TC2800

Jeff

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